

SERVED: November 17, 2004

NTSB Order No. EA-5123

UNITED STATES OF AMERICA
NATIONAL TRANSPORTATION SAFETY BOARD
WASHINGTON, D.C.

Issued under delegated authority (49 C.F.R. 800.24)
on the 17th day of November, 2004

_____)	
MARION C. BLAKEY,)	
Administrator,)	
Federal Aviation Administration,)	
)	
Complainant,)	
)	Docket SE-16909
v.)	
)	
CHIN YI TU,)	
)	
Respondent.)	
_____)	

ORDER GRANTING STAY

Respondent has requested a stay of NTSB Order No. EA-5117, served October 20, 2004, pending disposition of a petition for review of that order in the United States Court of Appeals pursuant to Section 1006 of the Federal Aviation Act (49 U.S.C. 14110) and the NTSB Rules (49 C.F.R. 821.64).¹ The Administrator does not oppose the request. It appears that good cause exists for granting the stay.

ACCORDINGLY, IT IS ORDERED THAT:

The effective date of NTSB Order No. EA-5117 is stayed until the expiration of the 60-day period within which a petition for review may be filed with the Court of Appeals; however, if such a petition is filed, the stay will continue in effect until the court enters judgment on the petition.

Ronald S. Battocchi
General Counsel

¹Board Order No. EA-5117 affirmed the law judge's dismissal of respondent's appeal from two 120-day suspensions of respondent's airline transport pilot certificate. According to counsel for the Administrator, respondent is voluntarily serving one of those two suspensions.